

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
(ATLANTA DIVISION)**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**DRIVE PLANNING, LLC and  
RUSSELL TODD BURKHALTER,**

**Defendants,**

**and**

**JACQUELINE BURKHALTER,  
THE BURKHALTER RANCH  
CORPORATION, DRIVE  
PROPERTIES, LLC, DRIVE  
GULFPORT PROPERTIES LLC,  
and TBR SUPPLY HOUSE, INC.,**

**Relief Defendants.**

**Civil Action No. \_\_\_\_\_**

**PLAINTIFF SECURITIES AND EXCHANGE  
COMMISSION'S MOTION FOR EMERGENCY RELIEF**

The Securities and Exchange Commission ("SEC") seeks emergency relief from this Court to preserve assets for the victims of a giant Ponzi scheme orchestrated by Defendants Drive Planning, LLC and its CEO Russell Todd

Burkhalter. As of May 2024, there are approximately 2,500 investors in the fraudulent investment who are owed more than \$200 million.

As the SEC explains more fully in the attached brief, preliminary injunctive relief is necessary under Federal Rule of Civil Procedure 65 to prevent the dissipation of assets and to ensure that Defendants do not cause more harm to investors. Specifically, the SEC asks the Court to: (i) freeze Defendants' assets and freeze the assets of Relief Defendants; (ii) appoint a Receiver over Drive Planning; (iii) prohibit Defendants from managing the fraudulent offering or any other investment; (iv) prevent the destruction of documents and require an accounting of the fraudulent investment and other assets; and (v) order Defendant Burkhalter to surrender his passport. The SEC is providing notice of this motion to counsel for Defendants and Relief Defendants and a copy of this motion to them.

Moreover, counsel for the parties conferred regarding the preliminary relief sought in this motion. The SEC's understanding is that although the Defendants and Relief Defendants deny engaging in any wrongdoing, they do not oppose the relief sought in the attached proposed orders granting a preliminary injunction and appointing a receiver over Drive Planning. Accordingly, the SEC respectfully asks that the Court enter those two unopposed orders. Defendant Burkhalter does not agree, however, to surrender his passport or remain in the country pending the resolution of this case. The SEC is submitting a separate proposed order for that

contested relief.

### **CONCLUSION**

For the foregoing reasons, the SEC respectfully requests that the Court grant its motion and enter the proposed orders imposing the requested relief.

Dated: August 13, 2024

Respectfully submitted,

/s/ Pat Huddleston II

M. Graham Loomis (GA Bar No. 457868)

Pat Huddleston II (GA Bar No. 373984)

Harry B. Roback (GA Bar No. 706790)

U.S. Securities and Exchange Commission

950 East Paces Ferry Road, NE, Suite 900

Atlanta, GA 30326

Tel: (404) 942-0690

Facsimile: (404) 842-7679

[RobackH@sec.gov](mailto:RobackH@sec.gov)

Attorneys for Plaintiff

### **CERTIFICATION OF COMPLIANCE**

This is to certify that the foregoing was prepared using Times New Roman 14 point font in accordance with Local Rule 5.1 (B).

/s/ Harry B. Roback  
Harry B. Roback